

9 FAM 42.1 Procedural Notes

(TL:VISA-184; 01-22-1999)

9 FAM 42.1 PN1 Application to Replace Alien Registration Receipt Card

(TL:VISA-184; 01-22-1999)

Consular officers may accept an alien's application for replacement of the alien receipt card from aliens physically present in their consular district. Consular officers shall send the completed Form I-90, *Application to Replace Alien Registration Receipt Card*, along with the prescribed fee, in the form of a check or money order to the INS office having jurisdiction over the alien's place of residence in the United States. For procedures regarding the processing of such applications see 9 FAM PART IV Appendix N, 300.

9 FAM 42.1 PN2 Procedures for Recommending Humanitarian Parole

9 FAM 42.1 PN2.1 Information Required

(TL:VISA-184; 01-22-1999)

When a consular officer believes that exceptional circumstances or grave humanitarian concerns warrant the use of the parole procedure, the officer *shall cable (INFO CA/VO/F/P)* their recommendation to the appropriate INS overseas district office (Rome, Bangkok, or Mexico) setting forth the special circumstances or concerns. *Posts should identify any high-profile cases likely to generate outside interest, and slug these for CA/VO/P as well as CA/VO/F/P.* The recommendation must include the following.

9 FAM 42.1 PN2.1-1 For Each Prospective Parolee

(TL:VISA-144; 6-28-96)

For each prospective parolee, the following items are required:

- (1) Complete name (including aliases), date and place of birth;
- (2) Immigration status and alien registration number (if any);
- (3) Occupation, if applicable, and current address abroad;
- (4) Relationship to sponsor;
- (5) Fee or fee receipt of \$70.00 for each prospective parolee;

(6) Length of time for which parole is sought (not to exceed one year except in highly unusual circumstances); and

(7) Result of recent medical examination by panel physician when parole is for medical purposes.

9 FAM 42.1 PN2.1-2 For Each Sponsor

(TL:VISA-144; 6-28-96)

For each sponsor the following information is required:

- (1) Complete name, date and place of birth;
- (2) Immigration status and alien registration number, if applicable;
- (3) Occupation and current status;
- (4) Current address;
- (5) A statement of how and by whom medical care, housing, transportation, and other subsistence needs will be met for each prospective parolee;
- (6) A statement of why a United States visa cannot be obtained for each prospective parolee and why a waiver is not available;
- (7) Verification of approved visa petitions (if any);
- (8) A Statement of the emergent reasons why parole should be authorized; and
- (9) Documentation verifying assertions made in support of request.

9 FAM 42.1 PN3.2 Where to Send Parole Recommendation

(TL:VISA-144; 6-28-96)

a. Post should forward parole recommendations by cable to the appropriate embassy where the INS district office abroad having jurisdiction is located. The cable should be slugged for INS District Director.

b. In **ALL** cases where the consular officer recommends humanitarian parole, info copies of the cable should be sent to the Department slugged for CA/VO/F/P. Posts should identify any high profile cases likely to generate outside interest and should slug the cable CA/VO/P, as well as CA/VO/F/P.

9 FAM 42.1 PN4 Post Action When Humanitarian Parole is Authorized

(TL:VISA-184; 01-22-1999)

The INS District Office will notify the post and CA/VO (when included as an addressee on the originating parole request cable) by cable of the decision reached in each case. Interested parties (sponsors, Congressional offices, etc.) in the United States will be notified of the decision by mail. If favorable, the INS cable will:

- (1) *Authorize the issuance of a transportation letter;*
- (2) Advise the identity of the parole beneficiary;
- (3) *Indicate* the purpose and length of time for which parole has been granted; and
- (4) The known grounds of excludability.

The INS may also indicate that the applicant has sufficient financial resources.

9 FAM 42.1 PN4.1 Post Action Upon Approval

(TL:VISA-184; 01-22-1999)

Upon receipt of the notification of approval for parole, the processing post must:

- (1) Verify the beneficiary's identity;
- (2) Review the results of the medical exam;
- (3) Verify that no other grounds of ineligibility exist;
- (4) Conduct the CLASS namecheck and include the print-out with INS's copy of the transportation letter;
- (5) Ensure that the applicant answers all questions under item 34 of the Form OF-156; (Post may wish to use the Form OF-156, and, if so, should annotate on the front of the Form OF-156, "Parole Case".) and
- (6) If post is convinced that no other grounds of ineligibility exist, issue the necessary transportation letter. [See 9 FAM PART IV Appendix N, Exhibit V for a sample boarding authorization to transportation lines.]

9 FAM 42.1 PN4.2 Post Action if Additional Ineligibility Grounds are Discovered

(TL:VISA-184; 01-22-1999)

If, in reviewing the notification of parole approval, the consular officer determines that additional grounds of ineligibility unknown to the INS District office exist, the post, in a cable addressed to the original approving INS District Office and CA/VO/F/P, will advise of the Ineligibilities and make its recommendation on the case. The authority to reaffirm or revoke the grant of parole rests with the INS District Office.

9 FAM 42.1 PN4.3 INS Denial of Parole

(TL:VISA-184; 01-22-1999)

In general, consular officers should not appeal an INS decision of parole. However, in the rare instance when the consular officer feels there is pertinent information which was not included in the original request, the consular officer may request a review of the case. The cabled request for review should be sent to the INS Overseas District Office and to INS/HQS WASHDC (Attention: Director, International Affairs Office), with an info copy to CA/VO/F/P. The subject line should read: Parole Appeal. This request for review should be extremely rare, and can be avoided entirely by a properly prepared first request.

9 FAM 42.1 PN5 Medical Examination Results

(TL:VISA-144; 6-28-96)

The consular officer shall attach the Form OF-157, Medical Examination, to the transportation letter referred to in 9 FAM 42.1 N5.3. The consular officer may waive the medical examination in an emergency case if authorized by INS.

9 FAM 42.1 PN6 Cases Not Recommended for Parole

(TL:VISA-184; 01-22-1999)

In cases which the consular officer does not recommend parole, but where an applicant is referred directly to the INS, the alien should be informed of the information required for a parole request [see 9 FAM 42.1 PN 2], given the Form I-131, Application for Travel Document (if available) and the mailing address of the appropriate INS district office [see 9 FAM PART IV Appendix O]. If the parole is for medical reasons, the alien should be referred to the panel physician.

9 FAM 42.1 PN7 Undocumented Refugees and Asylees

(TL:VISA-184; 01-22-1999)

Refugees and asylees who are unable to present the Form I-571, Refugee Travel Document, are eligible for humanitarian parole. [See the instructions outlined in 9 FAM PART IV Appendix O, 1800.]

9 FAM 42.1 PN8 Guidelines for Requesting SPB Parole

9 FAM 42.1 PN8.1 Where to Submit SPB Parole Requests

(TL:VISA-184; 01-22-1999)

Posts should submit SPB parole requests to the Department (CA/VO/F/P and the relevant country desk), with an information copy to INS HQS/IAO. Requests may be cabled or faxed and must be classified appropriately. CA/VO/F/P and the country desk will coordinate with other interested Department bureaus and convey the request to INS. If any problems or questions relevant to the parole request should develop, the Department will alert the requesting post and solicit a response. Posts should note in their requests whether the individual for whom parole is sought was the subject of a previous parole recommendation, post reporting or interagency discussion.

9 FAM 42.1 PN8.2 Format and Content of SPB Parole Requests

(TL:VISA-184; 01-22-1999)

a. Requests for SPB parole must contain the following information:

- (1) The name of principal alien;*
- (2) The date and place of birth (DPOB) of the principal alien;*
- (3) Justification for parole request;*
- (4) Proposed parolee's address abroad;*
- (5) Certification that a CLASS namecheck was made and the results;*
- (6) Information on the agency or individual financially responsible for the parolee's living expenses while he or she is in the United States, and, where feasible, include a completed Form I-134, Affidavit of Support;*
- (7) Identification of those offices/agencies which have concurred in request;*
- (8) The alien's expected travel itinerary and U.S. port of entry;*

(9) *Where applicable, names and biographic data for all accompanying family members, and justification for their inclusion in the parole request;*

(10) *CLASS namechecks for family members 16 years and older; and*

(11) *Certification by the COM or DCM.*

b. *A sample certification by the COM or DCM is as follows.*

I, (Title), (Name of Embassy), U.S. Department of State, attest to the Deputy Assistant Secretary of State for Visa Services and the INS Office of International Affairs, Parole Unit, that:

(1) *The justification and information pertinent to the parole request are accurate and complete, insofar as information is available to this post.*

(2) *Namechecks have been completed in the CLASS data on the person named in the request and, as appropriate, information obtained from foreign law enforcement agencies.*

(3) *All database findings on the person named above, including copies of computer screens and other related materials have been identified and forwarded to the INS Office of International Affairs, Parole Unit (unclassified FAX: 202-514-0542; classified FAX is possible by first calling INS Operations Center at 202-616-5000).*

(4) *The following is a complete list of all Department offices and U.S. Government Agencies known or thought to have an interest in this request: (List agencies, contact names and numbers, as appropriate).*

Signature/Name of DCM
Date

c. *Where the cable itself is classified, posts should provide the name(s) and biographic data of the prospective parolee(s) in an unclassified paragraph. This facilitates transmission of the parolee's name and biographic data to other U.S. government agencies.*